

1 **LAW OFFICES OF DALE K. GALIPO**

2 Dale K. Galipo, Esq. (Bar No. 144074)

3 dalekgalipo@yahoo.com

4 21800 Burbank Boulevard, Suite 310

5 Woodland Hills, California 91367

6 Telephone: (818) 347-3333

7 Facsimile: (818) 347-4118

5 **UNITED STATES DISTRICT COURT**
6 **CENTRAL DISTRICT OF CALIFORNIA**

7 A.H., a minor, individually and as
8 successor in interest to decedent, Richard
9 Hayes, by and through his Guardian ad
Litem, Tiffany Hayes; S.H., a minor,
10 individually and as successor in interest
to decedent, Richard Hayes, by and
11 through her Guardian ad Litem, Tiffany
Hayes; and TIFFANY HAYES,
12 individually;

13 Plaintiffs,

14 vs.

15 COUNTY OF LOS ANGELES; and
16 DOES 1-10, inclusive.

17 Defendants.

Case No.

COMPLAINT FOR DAMAGES

1. Fourth Amendment—Detention and Arrest (42 U.S.C. § 1983)
2. Fourth Amendment—Excessive Force (42 U.S.C. § 1983)
3. Fourth Amendment—Denial of Medical Care (42 U.S.C. § 1983)
4. Substantive Due Process (42 U.S.C. § 1983)
5. Municipal Liability—Inadequate Training (42 U.S.C. § 1983)
6. Municipal Liability—Unconstitutional Custom, Practice, or Policy (42 U.S.C. § 1983)
7. Municipal Liability—Ratification (42 U.S.C. § 1983)
8. False Arrest/False Imprisonment
9. Battery (Wrongful Death)
10. Negligence, Negligent Infliction of Emotional Distress, Negligent Training (Wrongful Death)
11. Violation of Title II of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act (42 U.S.C. § 12132 and 29 U.S.C. § 794)
12. Violation of Cal. Civil Code § 51.7
13. Violation of Cal. Civil Code § 52.1

26 **DEMAND FOR JURY TRIAL**

COMPLAINT FOR DAMAGES

2 COME NOW, Plaintiffs A.H., individually and as a successor-in-interest to
3 Richard Hayes, deceased; S.H., individually and as successor-in-interest to Richard
4 Hayes, deceased; and Tiffany Hayes, individually and as successor-in-interest to
5 Richard Hayes, deceased, for their Complaint against Defendants County of Los
6 Angeles; and DOES 1-10, inclusive, and allege as follows:

JURISDICTION AND VENUE

9 1. This Court has original jurisdiction pursuant to 28 U.S.C. §§ 1331 and
10 1343(a)(3)-(4) because Plaintiffs assert claims arising under the laws of the United
11 States including 42 U.S.C. § 1983 and the Fourth and Fourteenth Amendments of the
12 United States Constitution. This Court has supplemental jurisdiction over Plaintiffs'
13 claims arising under state law pursuant to 28 U.S.C. § 1337(a), because those claims
14 are so related to the federal claims that they form part of the same case or controversy
15 under Article III of the United States Constitution.

16 2. Venue is proper in this Court under 28 U.S.C. § 1391(b) because
17 Defendants reside in this district and all incidents, events, and occurrences giving rise
18 to this action occurred in this district.

19 3. On November 22, 2021, Plaintiffs presented to the County of Los
20 Angeles their Claims for Damages based on the acts, omissions, damages, and
21 injuries herein complained of, pursuant to Government Code § 911.2. On December
22 6, 2022, Defendant County of Los Angeles rejected Plaintiffs' claims.

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INTRODUCTION

2 4. This civil rights and state tort action seeks compensatory and punitive
3 damages from Defendants for violating various rights under the United States
4 Constitution and state law in connection with County of Los Angeles Sheriff's
5 deputy-involved death of Richard Hayes on March 21, 2021.

PARTIES

7 5. At all relevant times, Decedent Richard Hayes (“DECEDENT”) was an
8 individual residing in the County of Los Angeles, California.

9 6. Plaintiff A.H. is a minor individual residing in County of Los Angeles,
10 California, and is the natural born son to DECEDENT. A.H. sues by and through his
11 Guardian *ad Litem*, TIFFANY HAYES. A.H. sues both in his individual capacity as
12 the son of DECEDENT and in a representative capacity as a successor-in-interest to
13 DECEDENT pursuant to California Code of Civil Procedure § 377.30. A.H. seeks
14 survival damages, including pre-death mental and physical pain and suffering, loss of
15 life, and loss of enjoyment of life, and wrongful death damages under federal and
16 state law.

17 7. Plaintiff S.H. is a minor individual residing in County of Los Angeles,
18 California, and is the natural born daughter to DECEDENT. S.H. sues by and
19 through her Guardian *ad Litem*, TIFFANY HAYES. S.H. sues both in her individual
20 capacity as the daughter of DECEDENT and in a representative capacity as a
21 successor-in-interest to DECEDENT pursuant to California Code of Civil Procedure
22 § 377.30. S.H. seeks survival damages, including pre-death mental and physical pain
23 and suffering, loss of life, and loss of enjoyment of life, and wrongful death damages
24 under federal and state law.

25 8. Plaintiff TIFFANY HAYES is an individual residing in County of Los
26 Angeles, California, and is the wife of DECEDEDENT. TIFFANY HAYES sues in her
27 individual capacity and in a representative capacity as a successor-in-interest to

1 DECEDENT as the wife of DECEDENT pursuant to California Code of Civil
2 Procedure § 377.30. TIFFANY HAYES seeks survival damages, including pre-death
3 mental and physical pain and suffering, loss of life, and loss of enjoyment of life, and
4 wrongful death damages under federal and state law.

5 9. At all relevant times, Defendant COUNTY OF LOS ANGELES
6 (“COUNTY”) is and was a duly organized public entity existing under the laws of the
7 State of California. COUNTY is a chartered subdivision of the State of California
8 with the capacity to be sued. COUNTY is responsible for the actions, omissions,
9 policies, procedures, practices, and customs of its various agents and agencies,
10 including the County of Los Angeles Sheriff’s Department and its agents and
11 employees.

12 10. At all relevant times, COUNTY was the employer of Defendants DOES
13 1-10, inclusive.

14 11. Defendant DOES 1-6 (“DOE DEPUTIES”) are Sheriff’s deputies for the
15 County of Los Angeles Sheriff’s Department. DOE DEPUTIES were acting under
16 color of law within the course and scope of their duties as deputies for the County of
17 Los Angeles Sheriff’s Department. DOE DEPUTIES were acting with the complete
18 authority and ratification of their principal, Defendant COUNTY.

19 12. Defendant DOES 7-8 are supervisory deputies for the County of Los
20 Angeles Sheriff’s Department who were acting under color of law within the course
21 and scope of their duties as supervisory deputies for the County of Los Angeles
22 Sheriff’s Department. DOES 7-8 were acting with the complete authority and
23 ratification of their principal, Defendant COUNTY.

24 13. Defendants DOES 9-10 are managerial, supervisory, and policymaking
25 employees of the County of Los Angeles Sheriff’s Department, who were acting
26 under color of law within the course and scope of their duties as managerial,
27 supervisory, and policymaking employees for the County of Los Angeles Sheriff’s
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1 Department. DOES 9-10 were acting with the complete authority and ratification of
2 their principal, Defendant COUNTY.

3 14. On information and belief, at all relevant times, DOES 1-10 were
4 residents of the County of Los Angeles.

5 15. In doing the acts, and failing and/or omitting to act as hereinafter
6 described, Defendants DOES 1-6 were acting on the implied and actual permission
7 and consent of Defendants COUNTY and DOES 7-10.

8 16. In doing the acts, and failing and/or omitting to act as hereinafter
9 described, Defendants DOES 1-10 were acting on the implied and actual permission
10 and consent of the COUNTY.

11 17. The true names and capacities, whether individual, corporate,
12 association or otherwise of Defendant DOES 1-10, inclusive, are unknown to
13 Plaintiffs, who otherwise sue these Defendants by such fictitious names. Plaintiffs
14 will seek leave to amend this complaint to show the true names and capacity of these
15 Defendants when they have been ascertained. Each of the fictitiously-named
16 Defendants is responsible in some manner for the conduct or liabilities alleged
17 herein.

18 18. At all times mentioned herein, each and every Defendant was the agent
19 of each and every other Defendant and had the legal duty to oversee and supervise
20 the hiring, conduct, and/or employment of each and every Defendant.

21 19. All of the acts and omissions complained of herein by Plaintiffs against
22 Defendants, were done and performed by said Defendants, by and through their
23 authorized agents, servants, and/or employees, all of whom at all relevant times
24 herein were acting within the course, purpose, and scope of said agency, service,
25 and/or employment capacity. Moreover, Defendants and their agents ratified all of
26 the acts complained of herein.

27 20. DOES 1-10 are sued in their individual capacities.
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1 **FACTS COMMON TO ALL CLAIMS FOR RELIEF**

2 21. Plaintiffs repeat and re-allege each and every allegation in paragraphs 1
3 through 20 of this Complaint with the same force and effect as if fully set forth
4 herein.

5 22. On March 21, 2021, at approximately 7:30 p.m., at or around Lycoming
6 Street, Diamond Bar, California 91789, several County of Los Angeles Sheriff's
7 deputies, including DOE DEPUTIES, unreasonably detained and/or arrested
8 DECEDENT Richard Hayes, and used excessive and unreasonable force, ultimately
9 resulting in his death.

10 23. Without reasonable suspicion to believe DECEDENT had or was going
11 to violate the law, or probable cause to arrest DECEDENT, Defendants DOE
12 DEPUTIES approached DECEDENT and attempted to forcibly restrain him. No
13 crime was committed by DECEDENT, nor did the deputies reasonably perceive that
14 a crime was about to be committed when they arrived on scene.

15 24. On information and belief, prior to Defendants' making contact with
16 DECEDENT, Defendants' had information that DECEDENT had a mental disability.
17 DECEDENT did in fact have a mental disability.

18 25. Defendants DOE DEPUTIES were responding to a call to assist
19 DECEDENT while he was inside of his home for a potential mental impairment.
20 Defendants DOE DEPUTIES contacted DECEDENT inside his home.

21 26. On information and belief, Defendants also perceived DECEDENT'S
22 disability and recognized DECEDENT to be in medical distress.

23 27. Defendants DOE DEPUTIES had no information that DECEDENT had
24 committed any crime, no information that DECEDENT had injured or threatened to
25 harm anyone, and no information that DECEDENT had any weapon. Defendants
26 DOE DEPUTIES failed to employ tactics to de-escalate the situation, failed to give
27 DECEDENT time and space to understand the deputies' presence, failed to approach
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1 and speak to DECEDENT in a non-threatening manner, failed to give DECEDENT
2 time and space to understand and comply with the deputies' commands, and failed to
3 give DECEDENT the opportunity to consent to and cooperate with police
4 instructions. DECEDENT never threatened any of the Defendants or any other
5 person, made no aggressive movements toward any of the Defendants or any other
6 person, made no furtive gestures, and no physical movements that would reasonably
7 suggest to the Defendants that DECEDENT was attempting, willing, or intending to
8 inflict harm on any other person.

9 28. Despite the foregoing facts, Defendants DOE DEPUTIES placed their
10 body weight on, tased, and used yet-to-be-discovered uses of force against
11 DECEDENT, all while DECEDENT was restrained and chest-down for an extended
12 period of time.

13 29. Defendants DOE DEPUTIES meaningfully participated in the detention
14 of, and use of force against DECEDENT, by either directly using force against
15 DECEDENT, going hands-on with DECEDENT during the incident, ordering
16 another Defendant to use excessive and unreasonable force against DECEDENT,
17 providing the means by which force was used against DECEDENT, physically
18 restraining DECEDENT, violently intimidating DECEDENT, and/or failing to
19 provide medical aid to DECEDENT. Defendants DOE DEPUTIES also integrally
20 participated in the use of force and violence as described herein, as well as failed to
21 instruct any other Defendant not to use force against the DECEDENT, failed to
22 provide medical aid to DECEDENT, and failed to intervene to stop the unreasonable
23 and excessive force being used against DECEDENT.

24 30. As a result of the excessive force, DECEDENT endured severe harm,
25 injury, mental and physical pain and suffering, loss of life, loss of enjoyment of life,
26 and loss of earning capacity. At the time of the Defendants DOE DEPUTIES' use of
27 excessive force against him, DECEDENT did not pose a risk of death or serious
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1 bodily injury to any person, DECEDENT did not pose a risk of injury to any person,
2 DECEDENT was not resisting detention or arrest, and had not committed a crime.
3 Instead, DECEDENT was having a mental health crisis. DECEDENT cried out in
4 pain, struggled to breathe, lost consciousness, and eventually died as a result of his
5 injuries.

6 31. After DECEDENT lost consciousness, the Defendants DOE DEPUTIES
7 failed to timely provide medical assistance to DECEDENT.

8 32. As a result of Defendants DOE DEPUTIES' use of excessive and
9 unreasonable force, DECEDENT suffered multiple abrasions to his extremities. Due
10 to the excessive and unreasonable restraint and force, Defendants caused
11 DECEDENT's death.

12 33. Upon information and belief, Defendants DOE DEPUTIES did not
13 timely summon medical care or permit medical personnel to treat DECEDENT. The
14 delay of medical care to DECEDENT was a contributing cause of DECEDENT'S
15 harm, injury, pain and suffering, and ultimate death.

16 34. The use of force against DECEDENT was excessive and objectively
17 unreasonable under the circumstances, especially because DECEDENT was
18 unarmed, had committed no crime, was in need of medical assistance, and did not
19 pose an immediate threat of death or serious bodily injury to anyone, at any time
20 immediately prior to or during the use of force, and was suspected of being mentally
21 impaired.

22 35. Plaintiff A.H. is DECEDENT's successor-in-interest as defined in
23 Section 377.11 of the California Code of Civil Procedure and succeeds to
24 DECEDENT'S interest in this action as the natural son of DECEDENT.

25 36. Plaintiff S.H. is DECEDENT's successor-in-interest as defined in
26 Section 377.11 of the California Code of Civil Procedure and succeeds to
27 DECEDENT'S interest in this action as the natural daughter of DECEDENT.

1 37. Plaintiff TIFFANY HAYES is DECEDENT's successor-in-interest as
2 defined in Section 377.11 of the California Code of Civil Procedure and succeeds to
3 DECEDENT'S interest in this action as the wife of DECEDENT.

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FIRST CLAIM FOR RELIEF

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Fourth Amendment—Detention and Arrest (42 U.S.C. § 1983)

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(By All Plaintiffs against Defendants DOE DEPUTIES)

8 38. Plaintiffs repeat and re-allege each and every allegation in paragraphs 1
9 through 37 of this Complaint with the same force and effect as if fully set forth
10 herein.

11 39. Defendants DOE DEPUTIES had no information that DECEDENT had
12 committed any crime, had no information that DECEDENT had any outstanding
13 wants or warrants, and had no information that DECEDENT had harmed any person.
14 Defendants did, however, have constructive and actual knowledge that DECEDENT
15 was in need of medical care. Defendants DOE DEPUTIES unreasonably detained
16 and arrested DECEDENT without reasonable suspicion or probable cause.

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18 40. When Defendants detained, tased, and restrained DECEDENT for
19 approximately 5-10 minutes, and otherwise restricted DECEDENT'S liberty and
20 freedom of movement, they violated DECEDENT's right to be secure in his person
21 against unreasonable searches and seizures as guaranteed to DECEDENT under the
22 Fourth Amendment to the United States Constitution and applied to state actors by
the Fourteenth Amendment.

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24 41. The conduct of Defendants was willful, wanton, malicious, and done
25 with reckless disregard for the rights and safety of DECEDENT and therefore
warrants the imposition of exemplary and punitive damages as to Defendants.

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1 42. As a result of their misconduct, Defendants are liable for DECEDENT'S
2 injuries because they were an integral participant and/or because they failed to
3 intervene to prevent the wrongful detention and arrest of DECEDENT.

4 43. Plaintiffs bring this claim as successors-in-interest to the DECEDENT,
5 and seek survival damages, including pre-death pain and suffering, loss of life, and
6 loss of enjoyment of life for the violation of DECEDENT'S rights. Plaintiffs also
7 seek attorneys' fees and costs under this claim.

SECOND CLAIM FOR RELIEF

Fourth Amendment—Excessive Force (42 U.S.C. § 1983)

(By All Plaintiffs against Defendants DOE DEPUTIES)

12 44. Plaintiffs repeat and re-allege each and every allegation in paragraphs 1
13 through 43 of this Complaint with the same force and effect as if fully set forth
14 herein.

15 45. The Fourth Amendment to the United States Constitution, as applied to
16 State Actors by the Fourteenth Amendment, provides the right of every person to be
17 free from the use of excessive force by police officers.

18 46. Defendants DOE DEPUTIES had no information that DECEDENT had
19 committed any crime, had no information that DECEDENT had any outstanding
20 wants or warrants, and had no information that DECEDENT had harmed any person.
21 On the other hand, Defendants had constructive and actual knowledge that Decedent
22 was in need of medical care. Defendants lacked reasonable suspicion to detain
23 DECEDENT and lacked probable cause to arrest DECEDENT.

24 47. When Defendants DOE DEPUTIES arrived on scene, they had no
25 information that DECEDENT had committed any crime and no information that
26 decedent had injured or threatened to harm anyone. Defendants had reason to know
27 and/or did know that DECEDENT was mentally ill or impaired. Rather than acting

1 reasonably by responding to the call in a manner conducive to assisting someone who
2 is mentally ill or impaired, Defendants improperly treated DECEDENT as if he had
3 committed a serious crime, which he had not. Defendants failed to employ tactics to
4 de-escalate the situation, failed to give DECEDENT time and space to understand the
5 police presence, failed to approach and speak to DECEDENT in a non-threatening
6 manner, and failed to give DECEDENT the opportunity to understand and cooperate
7 with police instructions. DECEDENT never threatened anyone, made no aggressive
8 movements toward any of anyone, made no furtive gestures, and no physical
9 movements that would reasonably suggest to the Defendants that DECEDENT was
10 attempting, willing, or intending to inflict harm on any person.

11 48. Defendants DOE DEPUTIES used excessive force against DECEDENT
12 when they unnecessarily and unreasonably brought DECEDENT to the ground with
13 force and violence, tased DECEDENT multiple times without warning, and
14 restrained DECEDENT chest down for an extended period of time. Defendants' acts
15 and omissions deprived DECEDENT of his right to be secure in his person against
16 unreasonable searches and seizures as guaranteed to DECEDENT under the Fourth
17 Amendment to the United States Constitution and applied to state actors by the
18 Fourteenth Amendment.

19 49. As a result of the foregoing, DECEDENT suffered great physical pain
20 and suffering up to the time of his death, loss of enjoyment of his life, loss of his life,
21 and loss of his earning capacity. Defendants are liable for DECEDENT'S harm,
22 injuries, and death because they were an integral participants and/or because they
23 failed to intervene to prevent these violations.

24 50. The conduct of Defendants was willful, wanton, malicious, and done
25 with reckless disregard for the rights and safety of DECEDENT, and therefore
26 warrants the imposition of exemplary and punitive damages as to Defendants.
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1 51. The force used was excessive and unreasonable, but because Defendants
2 used deadly force against and unarmed, chest down, restrained, and outnumbered
3 individual, their conduct was particularly egregious. DECEDENT posed no
4 immediate threat of death or serious bodily injury at the time during the incident.
5 Further, Defendants' use of force violated their training and standard police officer
6 training.

7 52. Plaintiffs bring this claim as successors-in-interest to the DECEDENT,
8 and seek survival damages, including but not limited to pre-death pain and suffering,
9 loss of life, and loss of enjoyment of life for the violation of DECEDENT'S rights.
10 Plaintiffs also seek attorneys' fees and costs under this claim.

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12 **THIRD CLAIM FOR RELIEF**

13 **Fourth Amendment—Denial of Medical Care (42 U.S.C. § 1983)**

14 (By All Plaintiffs against Defendants DOE DEPUTIES)

15 53. Plaintiff repeats and re-alleges each and every allegation in paragraphs 1
16 through 52 of this Complaint with the same force and effect as if fully set forth
17 herein.

18 54. The denial of medical care by Defendants DOE DEPUTIES deprived
19 DECEDENT of his right to be secure in his person against unreasonable searches and
20 seizures as guaranteed to DECEDENT under the Fourth Amendment to the United
21 States Constitution and applied to state actors by the Fourteenth Amendment.

22 55. Defendants DOE DEPUTIES failed to provide needed medical care to
23 DECEDENT, failed to timely summon needed medical care for DECEDENT,
24 prevented medical care personnel from timely treating DECEDENT, and refused to
25 permit medical care personnel to access and care for DECEDENT at the scene for an
26 appreciable time after the incident.

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1 56. As a result of the foregoing, DECEDENT suffered great physical pain
2 and suffering up to the time of his death, loss of enjoyment of life, loss of life, and
3 loss of earning capacity.

4 57. Defendants DOE DEPUTIES knew that failure to provide timely
5 medical treatment to DECEDENT could result in further significant injury, the
6 unnecessary and wanton infliction of pain, or death, but disregarded that serious
7 medical need, causing DECEDENT great bodily harm and death.

8 58. The conduct of Defendants DOE DEPUTIES was willful, wanton,
9 malicious, and done with reckless disregard for the rights and safety of DECEDENT
10 and therefore warrants the imposition of exemplary and punitive damages as to
11 Defendants DOE DEPUTIES.

12 59. As a result of their misconduct, DOE DEPUTIES are liable for
13 DECEDENT'S injuries, either because they were integral participants in the denial of
14 medical care, and/or because they failed to intervene to prevent these violations.

15 60. Plaintiffs bring this claim as successors-in-interest to the DECEDEDENT,
16 and seek survival damages, including but not limited to pre-death pain and suffering,
17 loss of life, and loss of enjoyment of life for the violation of DECEDEDENT'S rights.
18 Plaintiffs also seek attorneys' fees and costs under this claim.

FOURTH CLAIM FOR RELIEF

Substantive Due Process (42 U.S.C. § 1983)

(By All Plaintiffs against Defendants DOE DEPUTIES)

23 61. Plaintiffs repeat and re-allege each and every allegation in paragraphs 1
24 through 60 of this Complaint with the same force and effect as if fully set forth
25 herein.

26 62. Plaintiffs had a cognizable interest under the Due Process Clause of the
27 Fourteenth Amendment of the United States Constitution to be free from state actions

1 that deprive them of life, liberty, or property in such a manner as to shock the
2 conscience, including but not limited to unwarranted state interference in Plaintiffs'
3 familial relationship with DECEDENT.

4 63. DECEDENT had a cognizable interest under the Due Process Clause of
5 the Fourteenth Amendment of the United States Constitution to be free from state
6 actions that deprive him of life, liberty, or property in such a manner as to shock the
7 conscience.

8 64. The aforementioned actions of Defendants DOE DEPUTIES, along with
9 other undiscovered conduct, shock the conscience, in that they acted with deliberate
10 indifference to the constitutional rights of DECEDENT and Plaintiffs, and with
11 purpose to harm unrelated to any legitimate law enforcement objective.

12 65. As a direct and proximate result of these actions, DECEDENT
13 experienced pain and suffering, and eventual death. Defendants thus violated the
14 substantive due process rights of Plaintiffs to be free from unwarranted interference
15 with their familial relationships with DECEDENT.

16 66. As a direct and proximate cause of the acts of Defendants DOE
17 DEPUTIES, Plaintiffs have suffered emotional distress, mental anguish, and pain.
18 Plaintiffs have also been deprived of the life-long love, companionship, comfort,
19 support, society, care, and sustenance of DECEDENT, and will continue to be so
20 deprived for the remainder of their natural lives.

21 67. The conduct of Defendants DOE DEPUTIES was willful, wanton,
22 malicious, and done with reckless disregard for the rights and safety of DECEDENT
23 and Plaintiffs and therefore warrants the imposition of exemplary and punitive
24 damages as to Defendants DOE DEPUTIES.

25 68. Plaintiffs bring this claim individually for wrongful death damages.
26 Plaintiffs also seek attorney fees and costs under this claim.

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FIFTH CLAIM FOR RELIEF

Municipal Liability – Failure to Train (42 U.S.C. § 1983)

(By All Plaintiffs against Defendants COUNTY and DOES 7-10)

4 69. Plaintiffs repeat and re-allege each and every allegation in paragraphs 1
5 through 68 of this Complaint with the same force and effect as if fully set forth
6 herein.

70. Defendants DOE DEPUTIES acted under color of law.

8 71. The acts of Defendants DOE DEPUTIES deprived DECEDENT and
9 Plaintiffs of their particular rights under the United States Constitution.

72. The training policies of Defendants COUNTY and DOES 7-10, were not adequate to train its deputies to handle the usual and recurring situations with which they must deal.

13 73. Defendants COUNTY and DOES 7-10 were deliberately indifferent to
14 the obvious consequences of its failure to train its officers adequately.

15 74. On information and belief, COUNTY and DOES 7-10 failed to train
16 Defendants DOE DEPUTIES properly and adequately.

17 75. The failure of COUNTY and DOES 7-10 to provide adequate training
18 caused the deprivation of DECEDENT and Plaintiffs' rights by Defendants DOE
19 DEPUTIES that is, the Defendants' failure to train is so closely related to the
20 deprivation of the DECEDENT'S and Plaintiffs' rights as to be the moving force that
21 caused the ultimate injury.

22 76. The training policies of Defendant COUNTY were not adequate to train
23 its deputies to handle the usual and recurring situations with which they must deal,
24 including responding to calls involving mentally ill people, responding to calls and
25 interacting with people who display symptoms of mental illness, recognizing the
26 indicators of mental illness, the use of force, the proper use of electronic control
27 devices, the permissible use of impact weapons, and protecting the rights of persons

1 to medical care while in police custody. Additionally, those training policies do not
2 conform to nationally accepted standards in police practices.

3 77. The field training provided by COUNTY was inadequate to train its
4 deputies to handle the usual and recurring situations with which they must deal,
5 including responding to calls involving mentally ill people, responding to calls and
6 interacting with people who display symptoms of mental illness, recognizing the
7 indicators of mental illness, the use of force, the proper use of electronic control
8 devices, the permissible use of impact weapons, and protecting the rights of persons
9 to medical care while in police custody.

10 78. The sustainment and/or periodic training provided by COUNTY was
11 inadequate to train its deputies to handle the usual and recurring situations with
12 which they must deal, including responding to calls involving mentally ill people,
13 responding to calls and interacting with people who display symptoms of mental
14 illness, recognizing the indicators of mental illness, the use of force, the proper use of
15 electronic control devices, the permissible use of impact weapons, and protecting the
16 rights of persons to medical care while in police custody.

17 79. By reason of the aforementioned acts and omissions, Plaintiffs have
18 suffered loss of the love, companionship, comfort, care, society, training, guidance,
19 and past and future support of DECEDENT. The aforementioned acts and omissions
20 also caused DECEDENT'S pain and suffering, loss of life, loss of enjoyment of life,
21 and death.

22 80. Accordingly, Defendants COUNTY and DOES 7-10 each are liable to
23 Plaintiffs for compensatory damages under 42 U.S.C. § 1983.

24 81. Plaintiffs bring this claim as successors-in-interest to DECEDENT, and
25 seek survival damages, including but not limited to pre-death pain and suffering, loss
26 of life, and loss of enjoyment of life, and wrongful death damages under this claim.
27 Plaintiffs also seek attorneys' fees and costs under this claim.

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SIXTH CLAIM FOR RELIEF

Municipal Liability – Unconstitutional Custom or Policy (42 U.S.C. § 1983)

(By All Plaintiffs against Defendants COUNTY and DOES 7-10)

4 82. Plaintiffs repeat and re-allege each and every allegation in paragraphs 1
5 through 81 of this Complaint with the same force and effect as if fully set forth
6 herein.

83. Defendants DOE DEPUTIES acted under color of law.

8 84. Defendants DOE DEPUTIES acted pursuant to an expressly adopted
9 official policy, or a longstanding practice or custom of the Defendants COUNTY and
10 DOES 7-10.

11 85. On information and belief, Defendants DOE DEPUTIES were not
12 disciplined, reprimanded, retrained, suspended, or otherwise penalized in connection
13 with DECEDENT'S death.

14 86. Defendants COUNTY and DOES 7-10, together with other COUNTY
15 policymakers and supervisors, maintained, inter alia, the following unconstitutional
16 customs, practices, and policies:

- (a) Using excessive force, including deadly force on unarmed persons who do not pose a risk of imminent death or serious bodily injury to others;
 - (b) Providing inadequate training regarding the use of force, including deadly force;
 - (c) Employing and retaining as deputy Sheriffs, individuals such as Defendants DOE DEPUTIES who Defendants COUNTY and DOES 7-10 at all times material herein, knew or reasonably should have known had dangerous propensities for abusing their authority and for using excessive force;

- (d) Inadequately supervising, training, controlling, assigning, and disciplining COUNTY deputies, and other personnel, including Defendants DOE DEPUTIES, who Defendants COUNTY, and/or DOES 7-10 knew, or in the exercise of reasonable care should, have known had the aforementioned propensities and character traits;
 - (e) Maintaining grossly inadequate procedures for reporting, supervising, investigating, reviewing, disciplining and controlling misconduct by COUNTY deputies and PERT Clinicians, including Defendants DOE DEPUTIES;
 - (f) Failing to adequately discipline COUNTY deputy Sheriffs, including Defendants DOE DEPUTIES for the above-referenced categories of misconduct, including “slaps on the wrist,” discipline that is so slight as to be out of proportion to the magnitude of the misconduct, and other inadequate discipline that is tantamount to encouraging misconduct;
 - (g) Announcing that unjustified uses of force are “within policy,” including in-custody deaths that were later determined in court to be unconstitutional;
 - (h) Even where in-custody deaths are determined in court to be unconstitutional, refusing to discipline, terminate, or retrain the deputies involved;
 - (i) Encouraging, accommodating, or facilitating a “blue code of silence,” “blue shield,” “blue wall,” “blue curtain,” “blue veil,” or simply “code of silence,” pursuant to which Sheriff’s deputies do not report other deputies’ errors, misconduct, or crimes. Pursuant to this code of silence, if questioned about an incident of

misconduct involving another deputy, while following the code, the deputy being questioned will claim ignorance of the other deputy wrongdoing.

(j) Maintaining a policy of inaction and an attitude of indifference towards soaring numbers of in-custody deaths, including by failing to discipline, retrain, investigate, terminate, and recommend deputies for criminal prosecution who participate in the in-custody-death of unarmed, nonviolent, compliant, and/or potentially mentally impaired people.

10 87. By reason of the aforementioned acts and omissions, Plaintiffs have
11 suffered loss of the love, companionship, comfort, care, society, training, guidance,
12 and past and future support of DECEDEDENT. The aforementioned acts and omissions
13 also caused DECEDEDENT'S pain and suffering, loss of enjoyment of life, and death.

14 88. Defendants COUNTY and DOES 7-10, together with various other
15 officials, whether named or unnamed, had either actual or constructive knowledge of
16 the deficient policies, practices and customs alleged in the paragraphs above. Despite
17 having knowledge as stated above, these Defendants condoned, tolerated and through
18 actions and inactions thereby ratified such policies. Said Defendants also acted with
19 deliberate indifference to the foreseeable effects and consequences of these policies
20 with respect to the constitutional rights of DECEDENT, Plaintiffs, and other
21 individuals similarly situated.

22 89. By perpetrating, sanctioning, tolerating and ratifying the outrageous
23 conduct and other wrongful acts, COUNTY and DOES 7-10 acted with intentional,
24 reckless, and callous disregard for the life of DECEDENT and for DECEDENT'S
25 and Plaintiffs' Constitutional rights. Furthermore, the policies, practices, and
26 customs implemented, maintained, and still tolerated by Defendants COUNTY and

1 DOES 7-10 were affirmatively linked to and were a significantly influential force
2 behind the injuries of DECEDENT and Plaintiffs.

3 90. Accordingly, Defendants COUNTY and DOES 7-10 each are liable to
4 Plaintiffs for compensatory damages under 42 U.S.C. § 1983.

5 Plaintiffs bring this claim individually and as successors-in-interest to
6 DECEDENT, and seeks survival damages, including pre-death pain and suffering,
7 loss of life, and loss of enjoyment of life, and wrongful death damages under this
8 claim. Plaintiffs also seek attorneys' fees and costs under this claim.

SEVENTH CLAIM FOR RELIEF

Municipal Liability – Ratification (42 U.S.C. § 1983)

(By All Plaintiffs against Defendants COUNTY and DOES 7-10)

13 92. Plaintiffs repeat and re-allege each and every allegation in paragraphs 1
14 through 91 of this Complaint with the same force and effect as if fully set forth
15 herein.

16 93. Defendants DOE DEPUTIES acted under color of law.

17 94. The acts of Defendants DOE DEPUTIES deprived DECEDENT and
18 Plaintiffs of their particular rights under the United States Constitution.

19 95. Upon information and belief, a final policymaker, acting under color of
20 law, who had final policymaking authority concerning the acts of Defendants DOE
21 DEPUTIES ratified the individual deputy and clinician defendant's acts and the bases
22 for them. Upon information and belief, the final policymaker knew of and
23 specifically approved of the individual deputy and clinician defendant's acts.

24 96. Upon information and belief, a final policymaker has determined (or will
25 determine) that the acts of Defendants DOE DEPUTIES were “within policy.”

26 97. The following are only a few examples of cases where the involved
27 officers were not disciplined, reprimanded, retrained, suspended, or otherwise

1 penalized in connection with the underlying acts giving rise to the below lawsuits,
2 which indicates that the County of Los Angeles routinely ratifies such behavior:

- 3 a) The August 31, 2020 death of Dijon Kizzee.
- 4 b) On March 15, 2022, Los Angeles County agreed to pay \$3.8
5 million to the family of Brian Pickett, a man who died after Los
6 Angeles County Sheriff's deputies tased him for a total of 29
7 seconds.
- 8 c) The June 26, 2019 shooting of Timothy Neal in his home; Case
9 No. 2:20-cv-06315-CBM-JC; the deputies were not disciplined,
10 reprimanded, retrained, or otherwise penalized for their actions.
- 11 d) The July 3, 2019 shooting death of the unarmed Rickie Starks;
12 Case No. 19STCV38462, Case No.: 2:21-cv-05209 ODW (GJSx).
- 13 e) The August 16, 2017 shooting death of Kenneth Lewis, Jr.; Case
14 No.: 2:18-cv-04910-CBM-SK, which the County settled for
15 \$1,025,000.00.
- 16 f) In *Berry, et al. v. County of Los Angeles*, et al., Case No.: 15-cv-
17 09715-BRO (KSx); in events captured on video, numerous Los
18 Angeles County deputies was beat, pepper sprayed, tased, and
19 fired over 30 bullets without warning at John Berry while seated
20 in his car and killing him. Upon information and belief, the
21 County found that the deputies use of force was within policy, and
22 none of the deputies were disciplined, reprimanded, retrained,
23 suspended, or otherwise penalized for their actions.
- 24 g) In *V.W., et al. v. County of Los Angeles, et al.*, Case No.: 2:18-cv-
25 03684-FMO-ARG; on February 4, 2018 Deputy Gregory Van
26 Hoesen shot and killed the 16-year-old Anthony Weber, shooting
27 him in the back while unarmed.

- 1 h) In *K.C.R., et al. v. County of Los Angeles, et al.*, Case No.: 2:13-
2 cv-03806-PSG-SS, on June 21, 2012, the unarmed Kenneth
3 Rivera III was shot and killed by Deputy Norma Silva.

4 i) In *C.M., et al. v. County of Los Angeles, et al.*, Case No.: 2:17-cv-
5 05135-VAP-AGR, on August 2, 2016, Deputy Jeffrey Brito shot
6 and killed the unarmed William Bowers. On information and
7 belief, Deputy Brito was not disciplined, reprimanded, retrained,
8 suspended, or otherwise penalized for his actions.

9 j) In *Mitchell v. County of Los Angeles, et al.*, Case No.: CV-8421-
10 RJK (AWx), Defendant COUNTY argued that the use of deadly
11 force against an unarmed civilian (Robert Mitchell) was
12 reasonable; the jury found otherwise, returning a \$4,000,000
13 verdict after finding that Deputy Rick Manes used excessive and
14 unreasonable force when he shot the unarmed Mr. Mitchell in the
15 back six times, killing him. Deputy Manes was not disciplined or
16 retrained for his use of deadly force.

17 k) In *Gutierrez, et al. v. County of Los Angeles, et al.*, Case No.: CV-
18 10-7608 PSG (AJWx), a jury found that Deputy David Salazar
19 used excessive and unreasonable force when he shot and killed
20 Efrain Gutierrez, and awarded Mr. Gutierrez' family \$2,000,000.
21 Deputy Salazar was not disciplined or retrained for his use of
22 deadly force.

23 l) In *Beets v. County of Los Angeles, et al.*, Case No.: KC-057667, a
24 jury determined that the use of deadly force by the defendant
25 County deputy, was excessive and unreasonable under the
26 circumstances, and returned a \$1,035,000 verdict in favor of the
27 plaintiff.

- 1 m) In *Jacobo, et al. v. County of Los Angeles, et al.*, Case No.: CV-
2 11-7212 GW (SSx), on August 8, 2009, County Deputy Mat
3 Taylor shot and killed Ezequiel Jacobo, who was unarmed. Police
4 reports confirmed that Mr. Jacobo was unarmed. Deputy Taylor
5 was not disciplined or retrained for shooting Mr. Jacobo.
- 6 n) In *Lobrono, et al. v. County of Los Angeles, et al.*, Case No.: CV-
7 13-03838, on February 1, 2013, County Deputy Ray Huang shot
8 Michael Lobrono, who was unarmed. Police reports confirmed
9 that Mr. Lobrono was unarmed. Deputy Huang was not
10 disciplined or retrained for his use of deadly force.
- 11 o) In *Sanchez v. County of Los Angeles, et al.*, Case No.: CV 13-
12 0383; on April 20, 2013, County Deputy Christopher Gomez shot
13 Chalino Sanchez, who was unarmed and riding his bicycle at the
14 time of the shooting. Police reports confirmed that Mr. Sanchez
15 was unarmed. Deputy Gomez was not disciplined or retrained for
16 his use of deadly force.
- 17 p) In *N.K.A., et al. v. County of Los Angeles, et al.*, Case No.: CV 13-
18 05507; on May 11, 2013, County Deputy Luis Mendoza shot and
19 killed Rigoberto Arceo, who was unarmed and had his hands up at
20 the time of the shooting. Police reports confirmed that Mr. Arceo
21 was unarmed. Deputy Mendoza was not disciplined or retrained
22 for his use of deadly force.
- 23 q) In *D.A.B., et al. v. County of Los Angeles, et al.*, Case No.: CV-
24 14-05207 FMO (ASx); on May 23, 2013, County Deputies Dru
25 Strong and Gregory Rodriguez shot and killed Rashawn Brown,
26 who, according to percipient witnesses, was unarmed at the time

1 he was shot. Deputies Strong and Rodriguez were not disciplined
2 or retrained for their use of deadly force.

- 3 r) In *Gonzalo Martinez v. County of Los Angeles, et al.*, Case No.:
4 2:14-cv-05456-DSF-MAN, County Deputy Cuauhtemoc
5 Gonzalez discharged his weapon at a moving vehicle, striking
6 Gonzalo Martinez, who was an unarmed backseat passenger.
7 Deputy Gonzalez was not disciplined or retrained for his use of
8 deadly force.
- 9 s) In *Belia C.M., et al. v. County of Los Angeles, et al.*, Case No.:
10 2:15-cv-09585-SJO-FFM, Deputy Espinosa shot and killed Tony
11 C.M., who was unarmed at the time of the shooting. On
12 information and belief, Deputy Espinosa was not disciplined or
13 retrained for his use of deadly force.
- 14 t) In *Marian Amaya, et al., v. County of Los Angeles, et al.*, Case
15 No.: VC062384, on information and belief, County deputies shot
16 and killed Emiliano Amaya, with shots to Mr. Amaya's back. On
17 information and belief, the deputies were not disciplined or
18 retrained for their use of deadly force.
- 19 u) The August 4, 2013 shooting of the unarmed Gonzalo Martinez;
20 Case No.: 2:14-cv-05456-DSF-MAN.

21 98. By reason of the aforementioned acts and omissions, Plaintiffs have
22 suffered loss of the love, companionship, comfort, care, society, training, guidance,
23 and past and future support of DECEDENT. The aforementioned acts and omissions
24 also caused DECEDENT'S pain and suffering, loss of life, loss of enjoyment of life,
25 and death.

26 99. Accordingly, Defendants COUNTY and DOES 7-10 each are liable to
27 Plaintiffs for compensatory damages under 42 U.S.C. § 1983.

1 100. Plaintiffs bring this claim individually and as successors-in-interest to
2 DECEDENT, and seek survival damages, including pre-death pain and suffering, loss
3 of life, and loss of enjoyment of life, and wrongful death damages under this claim.

EIGHTH CLAIM FOR RELIEF

False Arrest/False Imprisonment

7 | (By All Plaintiffs against Defendants COUNTY; DOES 7-10; and DOE DEPUTIES)

8 101. Plaintiffs repeat and re-allege each and every allegation in paragraphs 1
9 through 100 of this Complaint with the same force and effect as if fully set forth
10 herein.

11 102. Defendants DOE DEPUTIES, while working as Deputies for the County
12 of Los Angeles Sheriff's Department and acting within the course and scope of their
13 duties, intentionally deprived DECEDENT of his freedom of movement by use of
14 force, threats of force, violence, menace, fraud, deceit, and unreasonable duress.
15 Defendants DOE DEPUTIES detained DECEDENT without reasonable suspicion
16 and arrested him without probable cause.

17 103. DECEDENT did not knowingly or voluntarily consent. DECEDENT
18 was merely attempting to exercise his right to walk away.

19 104. Defendants DOE DEPUTIES detained DECEDENT for an appreciable
20 amount of time by taking DECEDENT to the ground, holding DECEDENT on the
21 ground, tasing, and threatening DECEDENT, making him otherwise feel that he was
22 not free to leave.

23 105. The conduct of DOE DEPUTIES was a substantial factor in causing the
24 harm to DECEDENT.

25 106. Defendant COUNTY and DOES 7-10 are vicariously liable for the
26 wrongful acts of Defendants DOE DEPUTIES pursuant to section 815.2(a) of the
27 California Government Code, which provides that a public entity is liable for the

1 injuries caused by its employees within the scope of the employment if the
2 employee's act would subject him or her to liability, under California law, and under
3 the doctrine of *respondeat superior*.

4 107. The conduct of Defendants DOE DEPUTIES was malicious, wanton,
5 oppressive, and accomplished with a conscious disregard for the rights of
6 DECEDENT, entitling Plaintiffs to an award of exemplary and punitive damages.

7 108. As a result of their misconduct, Defendants DOE DEPUTIES are liable
8 for DECEDENT'S injuries, either because they were integral participants in the
9 wrongful detention and arrest, and/or because they failed to intervene to prevent these
10 violations.

11 109. Plaintiffs bring this claim as successors-in-interest to DECEDENT, and
12 seek survival damages, including emotional distress, loss of life, and loss of
13 enjoyment of life.

14

15 **NINTH CLAIM FOR RELIEF**

16 **Battery**

17 (By All Plaintiffs against Defendants COUNTY, DOES 7-10, and DOE DEPUTIES)

18 110. Plaintiffs repeat and re-allege each and every allegation in paragraphs 1
19 through 109 of this Complaint with the same force and effect as if fully set forth
20 herein.

21 111. Defendants DOE DEPUTIES, while working as deputies and/or agents
22 of the County of Los Angeles Sheriff's Department, and acting within the course and
23 scope of their duties, intentionally grabbed, tased, restrained DECEDENT chest
24 down, and used unreasonable force against him. As a result of the actions of
25 Defendants DOE DEPUTIES, DECEDENT suffered severe pain and suffering, loss
26 of enjoyment of life, and ultimately died from his injuries. Defendants DOE
27 DEPUTIES had no legal justification for using force against DECEDENT, and their
28

1 use of force while carrying out their duties as deputies and agents of the COUNTY
2 were unreasonable and nonprivileged uses of force.

3 112. As a direct and proximate result of the conduct of Defendants DOE
4 DEPUTIES as alleged above, DECEDENT sustained injuries and died, and also lost
5 his earning capacity.

6 113. COUNTY and DOES 7-10 are vicariously liable for the wrongful acts of
7 Defendants DOE DEPUTIES pursuant to section 815.2(a) of the California
8 Government Code, which provides that a public entity is liable for the injuries caused
9 by its employees within the scope of the employment if the employee's act would
10 subject him or her to liability, under California law, and under the doctrine of
11 *respondeat superior.*

12 114. The conduct of Defendants DOE DEPUTIES was malicious, wanton,
13 oppressive, and accomplished with a conscious disregard for the rights of Plaintiffs
14 and DECEDENT, entitling Plaintiffs, individually and as successors-in-interest to
15 DECEDENT, to an award of exemplary and punitive damages.

16 115. Plaintiffs bring this claim individually and as successors-in-interest to
17 the DECEDEDENT, and seek wrongful death damages under this claim.

TENTH CLAIM FOR RELIEF

Negligence, Negligent Infliction of Emotional Distress, and Negligent Training

(By All Plaintiffs against All Defendants)

22 116. Plaintiffs repeat and re-allege each and every allegation in paragraphs 1
23 through 115 of this Complaint with the same force and effect as if fully set forth
24 herein.

25 117. Sheriff's deputies, including Defendants have a duty to use reasonable
26 care to prevent harm or injury to others. This duty includes using appropriate tactics,
27 giving appropriate commands, giving appropriate warnings, and not using any force

1 unless necessary, using the least amount of force necessary, and only using deadly
2 force as a last resort. These duties also include providing proper training and
3 equipment to deputies so that they may perform their duties in accordance with the
4 department policies, properly investigate use of force incidents, and punish, re-train,
5 terminate, and/or prosecute violators of those policies and the law.

6 118. Defendants breached this duty of care. Upon information and belief,
7 the actions and inactions of Defendants were negligent and reckless, including but
8 not limited to:

- 9 (a) The failure to properly and adequately assess the need to detain,
10 arrest, and use force or deadly force against DECEDENT;
- 11 (b) The failure to recognize the indicators of mental illness or
12 impairment, and/or the failure to use proper tactics and techniques
13 on person suffering from a mental illness.
- 14 (c) The negligent tactics and handling of the situation with
15 DECEDENT, including pre-force negligence;
- 16 (d) The negligent detention, arrest, and use of force, including deadly
17 force, against DECEDENT;
- 18 (e) The failure to provide prompt medical care to DECEDENT;
- 19 (f) The failure to properly train deputies to properly handle
20 encounters with people suffering from a mental illness, to
21 properly assess the need to use force, and the type of force
22 appropriate;
- 23 (g) The failure to ensure that adequate numbers of employees with
24 appropriate education and training were available to meet the
25 needs of and protect the rights of DECEDENT;
- 26 (h) The negligent handling of evidence and witnesses;
- 27 (i) The negligent communication of information during the incident;

- (j) The negligent investigation of the incident; and
 - (k) The failure to punish, re-train, terminate, and/or prosecute violators of Department policies and the law.

4 119. As a direct and proximate result of Defendants' conduct as alleged
5 above, and other undiscovered negligent conduct, DECEDED was caused to suffer
6 severe pain and suffering, and eventual death. Also, as a direct and proximate result
7 of Defendants' conduct as alleged above, Plaintiffs have suffered emotional distress
8 and mental anguish. Plaintiffs have also been deprived of the life-long love,
9 companionship, comfort, support, society, care and sustenance of DECEDED, and
10 will continue to be so deprived for the remainder of their natural lives.

11 120. While working for COUNTY and acting within the course and scope of
12 their duties as sheriff's deputies, DOE DEPUTIES negligently and carelessly
13 inflicted severe emotional distress on Plaintiffs when they forcibly took DECEDENT
14 to the ground, tased, piled on DECEDENT'S back, and restrained DECEDENT, all in
15 the presence of Plaintiffs S.H. and TIFFANY HAYES.

16 121. Plaintiffs were present at or near the scene of the incident when the use
17 of force against their family member, DECEDEDENT, occurred, observed the incident,
18 and were aware that Defendants' actions were causing injury to DECEDEDENT.

19 122. Defendants' conduct was a substantial factor in causing Plaintiffs to
20 suffer severe emotional distress, including but not limited to, paralyzing fear, anxiety,
21 anguish, humiliation, and other injuries to their nervous systems.

22 123. COUNTY and DOES 7-10 are vicariously liable for the wrongful acts of
23 Defendants DOE DEPUTIES pursuant to section 815.2(a) of the California
24 Government Code, which provides that a public entity is liable for the injuries caused
25 by its employees within the scope of the employment if the employee's act would
26 subject him or her to liability, under California law, and under the doctrine of
27 *respondeat superior*.

1 124. Plaintiffs bring this claim individually and as successors-in-interest to
2 DECEDENT, and seek wrongful death damages under this claim. Plaintiffs also seek
3 compensatory damages for their severe emotional distress resulting from observing
4 the negligent use of force against their family member, DECEDENT.

ELEVENTH CLAIM FOR RELIEF

**(Violation of Title II of the Americans with Disabilities Act and Section 504 of
the Rehabilitation Act of 1973 (42 U.S.C. § 12132 and 29 U.S.C. § 794)**

(By All Plaintiffs against Defendant COUNTY)

10 125. Plaintiffs repeat and re-allege each and every allegation in paragraphs 1
11 through 124 of this Complaint with the same force and effect as if fully set forth
12 herein.

13 126. Plaintiffs allege as a claim for relief that Defendant COUNTY, in
14 violation of the ADA, failed to provide DECEDENT with any reasonable
15 accommodation to his qualifying disability during their interactions with
16 DECEDENT on the day of his death.

17 127. As providers of governmental services, the County of Los Angeles had a
18 duty to comply with the Title II of the ADA prohibiting discrimination against
19 persons with disabilities, a history of having disabilities or who are perceived to have
20 a disability. As of the date of his death, DECEDENT met all three prongs of
21 eligibility for application of the ADA.

128. The ADA prohibits public entities from discriminating against the
disabled, and from excluding the disabled from participating in or benefitting from a
public program, activity, or service solely by reason of disability.

25 129. Plaintiffs allege three types of claims under Title II of the ADA: (1) a
26 wrongful arrest claim, whereas Defendants arrested DECEDENT based on his
27 disability, not for any criminal activity; (2) a failure to provide reasonable

1 accommodations, whereas Defendants failed to reasonably accommodate
2 DECEDENT'S disability during the investigation or arrest, causing him to suffer
3 greater injury and indignity than other arrestees; and (3) COUNTY'S failure to train
4 its agents and employees to recognize, aid, and accommodate persons with
5 disabilities, causing DECEDENT to suffer mental and emotional pain, and death.

6 130. Defendant COUNTY is a public entity, and is therefore liable for
7 violations of the ADA.

8 131. DECEDENT suffered from mental disabilities. DECEDENT is a
9 qualified individual with a disability under the ADA. DECEDENT'S conduct
10 demonstrated his disabilities.

11 132. Defendants had information that DECEDENT was experiencing a
12 mental health episode at the time. Because of DECEDENT'S apparent mental
13 disability and information known to Defendants at the time, Defendants knew or
14 should have known that DECEDENT suffered from mental disabilities.

15 133. DECEDENT was arrested because of symptoms of his disability; i.e.,
16 DECEDENT was wrongfully arrested because of his disability. DECEDENT'S
17 actions were not unlawful, should not have been perceived as such, but were due to
18 his disabilities.

19 134. During DECEDENT'S arrest, he was tased and restrained with a knee
20 on the back of his neck as he gasped for air, which is indicative of abuse, violence,
21 discrimination, a failure to accommodate, and injury that could reasonably be
22 expected to cause DECEDENT greater indignity than other arrestees.

23 135. Defendants failed to de-escalate the situation, failed to communicate
24 with DECEDENT properly, failed to provide DECEDENT space, time, and
25 reassurance. Defendants' actions are indicative of their failure to provide
26 DECEDENT with reasonable accommodation for his disabilities.

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1 136. The ADA also requires public entities to be trained on disability, to
2 include, but not limited to, how to recognize and aid people having a disability.

3 137. Defendants were not adequately trained on disability, which caused
4 DECEDENT'S pain and suffering, loss of life, loss of enjoyment of life, and death.

5 138. The Defendants misperceived the effect of DECEDENT'S apparent
6 disability as illegal conduct and therefore wrongfully detained and arrested him.
7 Defendants failed to recognize and aid DECEDENT, who suffered from a disability.
8 The aforementioned caused DECEDENT'S pain and suffering, loss of life, loss of
9 enjoyment of life, and death.

10 139. Defendants failed to properly investigate and interact with DECEDENT
11 in a manner that reasonably accommodated his disabilities.

12 140. Because of the above, DECEDENT was excluded from and/or denied
13 of benefits, as well as discriminated against by reason of the DECEDENT'S
14 disability. Plaintiffs allege that this was a result of Defendant's failure to train its
15 deputies on disability.

16 141. As a direct and proximate result of the Defendants' violation of the
17 ADA as set forth above, DECEDENT incurred substantial emotional and physical
18 harm.

19 142. DECEDENT lost his life after incurring substantial pain and injury as a
20 direct and proximate result of the Defendants' acts in violation of the ADA as set
21 forth above.

22 143. Plaintiffs bring this claim individually and as successors-in-interest to
23 DECEDENT, and seek compensatory and punitive damages, wrongful death
24 damages and survival damages, including pre-death pain and suffering, loss of life,
25 and loss of enjoyment of life under this claim.

26 144. Plaintiffs also seek attorneys' fees and costs under this claim.

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TWELFTH CLAIM FOR RELIEF

(Violation of Cal. Civil Code § 51.7)

(By All Plaintiffs against All Defendants)

145. Plaintiffs repeat and re-allege each and every allegation in paragraphs 1 through 144 of this Complaint with the same force and effect as if fully set forth herein.

7 146. Plaintiff alleges that Defendants used violence on and intimidated
8 DECEDENT, because of a perceived disability, when Defendants swarmed, detained,
9 forcibly took DECEDENT to the ground, tased, piled on DECEDENT'S back, and
10 restrained DECEDENT, all while DECEDENT gasped for air.

11 147. California Civil Code § 51.7 declares that all persons have the right to
12 be free from violence or intimidation because of their disability, or because they are
13 perceived by another to have a disability.

148. Defendants used violence and intimidation against DECEDEDENT.

149. DECEDENT had mental disabilities.

16 150. Defendants used violence and intimidation because they perceived
17 DECEDENT'S disability, were motivated by it, or because of a bias against it.

18 151. COUNTY is vicariously liable for the wrongful acts of Defendants
19 pursuant to section 815.2(a) of the California Government Code, which provides
20 that a public entity is liable for the injuries caused by its employees within the scope
21 of employment if the employee's act would subject him or her to liability.

152. Defendants DOES 7-10 are vicariously liable under California law and
the doctrine of *respondeat superior*.

153. Under the provisions of California Civil Code §52(b), Defendants are
liable for punitive damages for each violation of Civil Code §51.7, reasonable
attorneys' fees and an additional \$25,000.00.

154. Plaintiffs bring this claim as successors-in-interest to DECEDENT, and seek compensatory, punitive damages, and survival damages, including emotional distress, loss of life, and loss of enjoyment of life under this claim.

155. Plaintiffs also seeks attorneys' fees and cost under this claim.

THIRTEENTH CLAIM FOR RELIEF

(Violation of Cal. Civil Code § 52.1)

(By all Plaintiffs against All Defendants)

9 156. Plaintiffs repeat and re-allege each and every allegation in paragraphs 1
10 through 155 of this Complaint with the same force and effect as if fully set forth
11 herein.

12 157. Under California Civil Code, Section 52.1 (the Bane Act), whether or
13 not acting under color of law, prohibits interference by threat, intimidation, or
14 coercion, or attempts to interfere by threat, intimidation, or coercion, the exercise or
15 enjoyment by any individual or individuals of rights secured by the Constitution or
16 laws of the United States, or of the rights secured by the Constitution or laws of the
17 state of California.

18 158. On information and belief, Defendants DOE DEPUTIES, while working
19 for the COUNTY and acting within the course and scope of their duties, intentionally
20 committed acts of violence, threats, intimidation, and coercion against DECEDENT,
21 including taking DECEDENT to the ground, tasing, and restraining DECEDENT
22 chest down without justification or excuse, by integrally participating and/or failing
23 to intervene in the above act, and by denying DECEDENT necessary medical care,
24 which interfered with DECEDENT'S and Plaintiffs' exercise and/or enjoyment of
25 their rights secured by the Constitution and/or laws of the United States, and of the
26 rights secured by the Constitution and/or laws of the state of California.

1 159. When Defendants used excessive and unreasonable force against
2 DECEDENT, they interfered with his civil rights to be free from unreasonable
3 searches and seizures, to due process, to equal protection of the laws, to medical care,
4 to be free from state actions that shock the conscience, and to life, liberty, and
5 property.

6 160. On information and belief, Defendants intentionally and spitefully
7 committed the above acts to discourage DECEDENT from exercising his civil rights
8 or to prevent him from exercising such rights, which he was fully entitled to enjoy.

9 161. On information and belief, DECEDENT reasonably believed and
10 understood that the violent acts committed by Defendants DOE DEPUTIES were
11 intended to discourage him from exercising the above civil rights or to prevent him
12 from exercising such rights.

13 162. Defendants DOE DEPUTIES successfully interfered with the above
14 civil rights of DECEDENT.

15 163. The conduct of Defendants was a substantial factor in causing
16 DECEDENT'S harms, losses, injuries, and damages.

17 164. COUNTY is vicariously liable for the wrongful acts of Defendants DOE
18 DEPUTIES pursuant to section 815.2(a) of the California Government Code, which
19 provides that a public entity is liable for the injuries caused by its employees within
20 the scope of the employment if the employee's act would subject him or her to
21 liability.

22 165. Defendants DOES 7-10 are vicariously liable under California law and
23 the doctrine of *respondeat superior*.

24 166. The conduct of Defendants was malicious, wanton, oppressive, and
25 accomplished with a conscious disregard for DECEDENT'S rights, justifying an
26 award of exemplary and punitive damages as to Defendants DOE DEPUTIES.
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1 167. Plaintiffs bring this claim as successors-in-interest to DECEDENT and
2 seeks survival damages, including emotional distress, loss of life, and loss of
3 enjoyment of life, under this claim. Plaintiffs also seek treble damages, attorneys'
4 fees, and costs under this claim.

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PRAYER FOR RELIEF

2 WHEREFORE, Plaintiffs A.H., S.H., and TIFFANY HAYES request entry of
3 judgment in their favor and against COUNTY OF LOS ANGELES; and DOES 1-10,
4 inclusive, as follows:

- A. For compensatory damages in whatever other amount may be proven at trial, including survival damages, which include pre-death physical and mental pain and suffering, loss of life, and loss of enjoyment of life, as well as wrongful death damages under federal and state law;
 - B. For funeral and burial expenses, and loss of financial support;
 - C. For punitive damages against the individual defendants in an amount to be proven at trial;
 - D. For statutory damages;
 - E. For interest;
 - F. For reasonable attorneys' fees, including litigation expenses;
 - G. For costs of suit; and
 - H. For such further other relief as the Court may deem just, proper, and appropriate.

DATED: May 27, 2022

LAW OFFICES OF DALE K. GALIPO

By: */s/ Dale K. Galipo*

Dale K. Galipo
Attorney for Plaintiffs

1 **DEMAND FOR JURY TRIAL**

2 Plaintiffs hereby demand a trial by jury.

3 DATED: May 27, 2022

4 LAW OFFICES OF DALE K. GALIPO

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6 By: /s/ Dale K. Galipo

7 Dale K. Galipo
Attorney for Plaintiffs

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